

House File 649 - Introduced

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BY JONES

A BILL FOR

1 An Act relating to notice requirements for department of
2 transportation actions against a person's driver's license
3 or operating privilege.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.211B Actions against driver's
2 license or operating privilege — notice requirements.

3 1. Notwithstanding any provision of this chapter
4 regarding the department's receipt of a record of a person's
5 conviction that would result in a suspension, revocation,
6 disqualification, cancellation, or denial of a person's
7 driver's license or operating privilege, the department
8 shall mail notice of the applicable action against a person's
9 driver's license or operating privilege to the person within
10 thirty days of the date of conviction. If the department
11 fails to mail timely notice, any untimely notice shall be
12 deemed invalid and the department shall not suspend, revoke,
13 disqualify, cancel, or deny the person's driver's license
14 or operating privilege under this chapter based on that
15 conviction.

16 2. Any suspension, revocation, disqualification,
17 cancellation, or denial of a person's driver's license or
18 operating privilege that is based on the applicable conviction
19 and that occurred prior to the department's failure to provide
20 timely notice under this section shall be rescinded.

21 Sec. 2. NEW SECTION. 321J.12A Actions against driver's
22 license or operating privilege — notice requirements.

23 1. Notwithstanding any provision of this chapter or
24 chapter 321 regarding the department's receipt of an officer's
25 certification or a record of a person's conviction that would
26 result in a revocation or disqualification of a person's
27 driver's license or operating privilege under section 321.208,
28 subsection 13, or section 321J.4, 321J.9, or 321J.12, the
29 department shall mail notice of the applicable action against
30 a person's driver's license or operating privilege to the
31 person within thirty days of the date of the test refusal, test
32 failure, or conviction, as applicable. If the department fails
33 to mail timely notice, any untimely notice shall be deemed
34 invalid and the department shall not revoke or disqualify
35 the person's driver's license or operating privilege under

1 this chapter or chapter 321 based on that test refusal, test
2 failure, or conviction, as applicable.

3 2. Any revocation or disqualification of a person's
4 driver's license or operating privilege that is based on the
5 test refusal, test failure, or conviction, as applicable, and
6 that occurred prior to the department's failure to provide
7 timely notice under this section shall be rescinded.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 Under current law, a person's driver's license or operating
12 privilege may be suspended, revoked, disqualified, canceled,
13 or denied by the department of transportation (DOT) after the
14 occurrence of certain events. In some instances, the DOT
15 is authorized or required to take adverse action against a
16 person's driver's license or operating privilege upon the DOT
17 receiving a record of the licensee's conviction for certain
18 offenses.

19 For restricted driver's licenses issued under Code section
20 321.178 and special minor's driver's licenses issued under Code
21 section 321.194, such offenses include use of an electronic
22 communication device while driving and one or more traffic
23 violations, excluding parking violations.

24 For commercial driver's licenses, such offenses include
25 but are not limited to operating while intoxicated, leaving
26 the scene or failing to stop or render aid at the scene of
27 an accident involving the person's vehicle, committing a
28 felony or aggravated misdemeanor involving the use of a motor
29 vehicle, using a commercial motor vehicle in the commission of
30 a felony or aggravated misdemeanor involving manufacturing,
31 distributing, or dispensing a controlled substance, using
32 a commercial motor vehicle in the commission of a felony
33 involving an act or practice of human trafficking, and a
34 conviction of manslaughter or vehicular homicide for an
35 accident involving the operation of a commercial motor vehicle.

1 For general driver's licenses or operating privilege, such
2 offenses include but are not limited to manslaughter resulting
3 from the operation of a motor vehicle, a felony if during the
4 commission of the felony a motor vehicle is used, failing to
5 stop and render aid in the event of a motor vehicle accident
6 resulting in the death or personal injury of another, perjury
7 or the making of a false affidavit or statement under oath
8 to the DOT relating to the ownership or operation of motor
9 vehicles, reckless driving, drag racing, eluding or attempting
10 to elude a law enforcement vehicle, approaching an authorized
11 emergency vehicle that is displaying flashing lights without
12 due caution, or committing fraud to obtain the driver's
13 license.

14 This bill requires the DOT to provide notice to a person
15 within 30 days of a conviction for which the person's license
16 or operating privilege is or otherwise would be suspended,
17 revoked, disqualified, canceled, or denied. The DOT is
18 prohibited from taking adverse action against a person's
19 driver's license or operating privilege if timely notice is
20 not provided and any adverse action against a license or
21 operating privilege that is based on the conviction and that
22 occurred prior to the DOT's failure to provide timely notice
23 is rescinded.

24 Under Code chapter 321J, the DOT is authorized to revoke a
25 person's driver's license or operating privilege if the person
26 refuses to submit to chemical testing, if the person submits
27 to a test and the test result indicates the presence of a
28 prohibited substance or an alcohol concentration equal to or
29 in excess of the legal limit, or the person is convicted under
30 the chapter. The bill requires the DOT to provide notice to
31 a person within 30 days of the person's test refusal, test
32 result, or conviction. If the DOT fails to provide timely
33 notice, the DOT is prohibited from taking adverse action
34 against the license or operating privilege based on the test
35 refusal, test failure, or conviction.